

Notice of Allowability

Application No.

10/626,396

Applicant(s)

KAMIMURA ET AL.

Examiner

Art Unit

LAM S. NGUYEN

2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication dated 06/06/2007.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |


LAM SON NGUYEN

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax **(571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

21874 7590 08/28/2007

EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON, MA 02205

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/626,396 07/23/2003 Eiji Kamimura 59615 (49381) 1061

TITLE OF INVENTION: METHOD OF CORRECTING ADJUSTMENT VALUE FOR IMAGE FORMING APPARATUS, IMAGE FORMING APPARATUS, AND MEMORY MEDIUM

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
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nonprovisional NO \$1400 \$300 \$0 \$1700 11/28/2007

EXAMINER	ART UNIT	CLASS-SUBCLASS
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NGUYEN, LAM S 2853 347-019000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,396	07/23/2003	Eiji Kamimura	59615 (49381)	1061
21874	7590	08/28/2007	EXAMINER	
EDWARDS ANGELL PALMER & DODGE LLP P.O. BOX 55874 BOSTON, MA 02205			NGUYEN, LAM S	
			ART UNIT	PAPER NUMBER
			2853	
DATE MAILED: 08/28/2007				

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 792 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 792 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

CLAIM REJOINDER

Claim 2 is generic and allowable. Accordingly, the restriction requirement as to the encompassed species is hereby withdrawn and claim 11 directed to the non-elected species no longer withdrawn from consideration since all of the claims to these species depend from or otherwise include each of the limitations of an allowed generic claim.

In view of the above noted withdrawal of the restriction requirement as to the linked species, applicant(s) are advised that if any claim(s) depending from or including all the limitations of the allowable generic linking claim(s) be presented in a continuation or divisional application, such claims may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David Tucker on 08/17/2007.

The application has been amended as follows:

In the claims:

- **Claim 1:** Replaced as follows:

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--A method of correcting a predetermined adjustment value for an image forming apparatus producing an image of each of separated colors in accordance with said predetermined adjustment value, comprising the steps of:

forming a first base image from a base color output in accordance with said predetermined adjustment value, and forming a first correction image from a correction color to be a subject for correction output in accordance with a value obtained by changing said predetermined adjustment value within a predetermined range;

determining a first adjustment value from the changed predetermined adjustment values based on a density output from a sensor detecting the density of an image forming portion;

forming a second base image from the base color output in accordance with said predetermined adjustment value, and forming a second correction image from a correction color output in accordance with a plurality of adjustment values determined based on said first adjustment value;

determining a second adjustment value from said plurality of adjustment values based on the density output from said sensor; and

correcting said predetermined adjustment value for the correction color to the determined second adjustment value.--

■ **Claim 2:** Replaced as follows:

--An image forming apparatus producing an image of each of separated colors in accordance with a predetermined adjustment value, comprising:

a sensor detecting a density of an image forming portion; and

a processor capable of performing the following operations comprising:

a first forming step of forming a first base image from a base color output in accordance with said predetermined adjustment value, and forming a first correction image from a correction color to be a subject for correction output in accordance with a value obtained by changing said predetermined adjustment value within a predetermined range;

a step of determining a first adjustment value from the changed predetermined adjustment values based on the density output from said sensor;

a second forming step of forming a second base image from a base color output in accordance with said predetermined adjustment value, and forming a second correction image from a correction color output in accordance with a plurality of adjustment values determined based on said first adjustment value;

a step of determining a second adjustment value from said plurality of adjustment values based on the density output from said sensor; and

a correction step of correcting said predetermined adjustment value for the correction color to the determined second adjustment value.--

■ **Claim 12:** Replaced as follows:

--An image forming apparatus producing an image of each of separated colors in accordance with a predetermined adjustment value, comprising:

a sensor detecting a density of an image forming portion;

first forming means for forming a first base image from a base color output in

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accordance with said predetermined adjustment value, and forming a first correction image from a correction color to be a subject for correction output in accordance with a value obtained by changing said predetermined adjustment value within a predetermined range;

means for determining a first adjustment value from the changed predetermined adjustment values based on the density output from said sensor;

second forming means for forming a second base image from a base color output in accordance with said predetermined adjustment value, and forming a second correction image from a correction color output in accordance with a plurality of adjustment values determined based on said first adjustment value;

means for determining a second adjustment value from said plurality of adjustment values based on the density output from said sensor; and

correction means for correcting said predetermined adjustment value for the correction color to the determined second adjustment value.--

■ **Claim 20:** Replaced as follows:

--A recording medium recording a computer program for correcting a predetermined adjustment value for an image forming apparatus which produces an image of each of separated colors in accordance with said adjustment value, said computer program comprising the steps of:

making a computer form a first base image from a base color output in accordance with said predetermined adjustment value, and form a first correction image from a correction color to be a subject for correction output in accordance with a value obtained by changing said predetermined adjustment value within a predetermined range;

making the computer determine a first adjustment value from the changed

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predetermined adjustment values based on a density output from a sensor detecting the density of an image forming portion;

making the computer form a second base image from a base color output in accordance with said predetermined adjustment value, and form a second correction image from a correction color output in accordance with a plurality of adjustment values determined based on said first adjustment value;

making the computer determine a second adjustment value from said plurality of adjustment values based on the density output from said sensor; and

making the computer correct said predetermined adjustment value for the correction color to the determined second adjustment value.--

■ In the Amendment dated 02/12/2007, because there are two claims 16, the second claim 16 (on page 8) is changed to claim 17.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The most pertinent prior art: Hirai et al. (US 6148168), Miura et al. (US 6435643), and Nishimura (US 5933680).

Regarding to claims 1, 2, 12, and 20: The primary reasons for the indication of the allowability of the claims is the inclusions therein, in combination as currently claimed, of the limitation that forming a second correction image from a correction color output in accordance with a plurality of adjustment values determined based on said first adjustment value and determining a second adjustment value from said plurality of adjustment values based on the

density output from said sensor is neither disclosed nor taught by the cited prior art of record, alone or in combination.

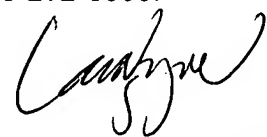
Claims 3-11 and 13-19 are allowed because they depend directly/indirectly on claim 2 or 12.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAM S. NGUYEN whose telephone number is (571)272-2151. The examiner can normally be reached on 7:00AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, STEPHEN D. MEIER can be reached on (571)272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


LAM SON NGUYEN